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Commissioner of Patents and Trademarks

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 14

Application Number: 09/377,383
Filing Date: August 19, 1999
Appellant(s): CHAI, BING-BING

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Technology Center 2600

Kin-Wah Tong
For Appellant

EXAMINER'S ANSWER

This is in response to appellant's brief on appeal filed 5/24/2001.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   ***Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   ***Status of Claims***

The statement of the status of the claims contained in the brief is correct.

(5)   ***Summary of Invention***

The summary of invention contained in the brief is correct.

(6)   ***Issues***

The appellant's statement of the issues in the brief is correct.

(7)   ***Grouping of Claims***

The rejection of claims 1-13 stand or fall together because appellant's brief does not

include a statement that this grouping of claims does not stand or fall together and reasons in

support thereof. See 37 CFR 1.192(c)(7).

(8)   ***Claims Appealed***

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   *Prior Art of Record*

5,563,960   SHAPIRO   10-1996

(10)   *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

A.   Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Shapiro (U.S.

Pat. No. 5,563,960 (referred as '960 hereinafter)).

Regarding claims 1 and 9, Shapiro discloses: a packet header (see item 38 of figs. 1-2

and item 54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having at

least one texture unit only of AC coefficients from a single subband of a hierarchical subband

decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 2, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item

54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having at least one

texture unit only of AC coefficients from all subbands of a decomposition level of a hierarchical

subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 3, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item

54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having a texture unit

consisting only of AC coefficients across n subbands, where n represents a number smaller that a

number of decomposition levels of a hierarchical subband decomposed image (see fig. 3-5; col.

3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 4, Shapiro discloses where n is two (see figs. 3-5).

Regarding claim 5, Shapiro discloses where n is three (see figs. 3-5).

Regarding claim 6, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item 54 of fig. 2); and a payload (see item 40 of figs. 1-2 and item 54 of fig. 2) having a texture unit comprising bits from a plurality of DC transform coefficients that form a single bitplane (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 7, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of figs. 1 and item 54 of fig. 2) having at least one texture unit consisting only of AC coefficients from a single subband of a hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 8, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of figs. 1 and item 54 of fig. 2) having at least one texture unit consisting only of AC coefficients from all subbands of a decomposition level of the hierarchical subband decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 9, Shapiro discloses: generating a packet header (see items 10 & 38 of fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of fig. 1 and item 54 of fig. 2) having a texture unit consisting only of AC coefficients across n subbands, where n represents a number smaller that a number of decomposition levels of a hierarchical subband decomposed image (see fig. 3-5; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 10, Shapiro discloses where n is two (see figs. 3-5).

Regarding claim 11, Shapiro discloses where n is three (see figs. 3-5).

Regarding claim 12, Shapiro discloses: a packet header (see item 38 of figs. 1-2 and item

54 of fig. 2); and a payload (see items 10 & 40 of fig. 1 and item 54 of fig. 2) having a texture

unit comprising bits from a plurality of DC transform coefficients that form a single bitplane (see

fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

Regarding claim 13, Shapiro discloses: generating a packet header (see items 10 & 38 of

fig. 1 and item 54 of fig. 2); and generating a payload (see items 10 & 40 of fig. 1 and item 54 of

fig. 2) for carrying coefficients, where said payload has a payload size that varies in accordance

with coefficients from a subband or decomposition level of said hierarchical subband

decomposed image (see fig. 3; col. 3, lines 48-49; and col. 4, lines 1-28).

(11)   Response to Argument

A.   In response to Appellant's arguments with regard to the Examiner's rejection to claims 1

and 7 as stated in Section A (refer page 7 to page 12 line 12), it is noted that Appellant's

arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that

the claims define a patentable invention without specifically pointing out how the language of

the claims patentably distinguishes them from the references. It is also noted that Appellant only

relies on the selected portions of the reference, argues, and concludes that the reference does not

teach the claimed invention. In this case, the Examiner disagrees with the Appellant's arguments

as stated in page 8, lines 5-8, that "Shapiro fails to teach or suggest a payload having at least one

texture unit consisting only of AC coefficients from a single subband of a hierarchical subband

decomposed image." (emphasis added) because Shapiro does teach these claimed features. For

example, Shapiro teaches a payload (see item 40 (data bits) of figure 1; and item 54 (bit stream)

of figure 2. Note that the term "bit stream" does include or refer to payload)) having at least one

texture unit (see figures 3-4 and col. 4, lines 8-28. Note that each of "LL3", "LH3", "HL3",

"HH3", "LH2", "HL2", "HH2", "HL1", "LH1", and "HH1" refers to a texture unit. Each of

"LL3", "LH3", "HL3", "HH3", "LH2", "HL2", "HH2", "HL1", "LH1", and "HH1" is encoded

by the encoder 10. This is how the encoder achieves and how the image data is encoded. And

these encoded data are referred as a payload or data bits in the bitstream) consisting only AC

coefficients (see figure 3 and col. 4, lines 8-22. Note that any of these "LH3", "HL3", "HH3",

"LH2", "HL2", "HH2", "HL1", "LH1", and "HH1" of figure 3 refers high frequency coefficient

or AC coefficients. Thus, an encoded data of "HH1", for example, refers to payload having a

texture unit consisting only AC coefficient) from a single subband of a hierarchical subband

decomposed image (see figure 3 and col. 4, lines 8-23). Thus, Shapiro meets the claimed

features.

Appellant further argues that Shapiro does not teach packetization structure as stated in

second paragraph of page 9. It is noted that "packetization structure" is not recited in the

rejected claim(s). Although the claims are interpreted in light of the specification, limitations

from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993). In addition, the recitation of "packetization structure" has not

been given patentable weight because the recitation occurs in the preamble. A preamble is

generally not accorded any patentable weight where it merely recites the purpose of a process or

the intended use of a structure, and where the body of the claim does not depend on the preamble

for completeness but, instead, the process steps or structural limitations are able to stand alone.

See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Appellant further argues that Shapiro does not teach or suggest (1)the specific arrangement of data within the payload, (2)does not define a "texture unit" of data in the payload, (3)does not limit the texture unit of consisting only AC coefficients from a single subband of the hierarchical image, and (4)error resilience as stated in lines 1-8 of page 10. It is noted that "the specific arrangement of data within the payload", "does not limit the texture unit", and "error resilience" are not recited in the rejected claim(s). As to point (2), does not define a "texture unit", it is not cleared to Examiner because such "texture unit" is not clearly defined in the current claims. The Examiner reads the claimed invention based upon the assumption that the phrase "consisting only AC coefficient" is served as a definition of "texture unit". In this case, Shapiro does teach a unit consisting only AC coefficient as clearly discussed above. If a unit consists only AC coefficients then that unit has to be called texture unit. Thus Shapiro does teach "texture unit".

Appellant's further arguments is similar to the features that are discussed above. Therefore, the Examiner's preceding statements are incorporated herein in response.

B.   In response to Appellant's arguments with regard to the Examiner's rejection to claims 2 and 8 as stated in Section B (refer pages 12-13), it is noted that Appellant's arguments are similar to the previous arguments with regard to claims 1 and 7 above. Therefore, the advanced statements with regard to claims 1 and 7 above are incorporated herein.

Appellant further argues in page 14 lines 6-13 that "[i]f a packet is corrupted, then Appellant's decoder is able to determine exactly which decomposition level will be effected by

the corrupted packet. This acknowledge will allow the decoder to implement error recovery

methods, e.g., replacement of the coefficients in the corrupted decomposition level from other

decomposition levels, e.g., from lower or higher resolution levels. Thus Appellant's novel

payload structure provides information to the decoder as to how error recovery can be best

implemented." (emphasis added). It is noted that the Examiner does not understand what

Appellant are arguing about because the Examiner does not see any where in the current claims

reciting such features. In fact, the current claims do not claim such features at all. Appellant is

reminded that the claims are interpreted in light of the specification, limitations from the

specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

C.   In response to Appellant's arguments with regard to the Examiner's rejection to claims 3

and 9, 4-5 and 10-11 as stated in Sections B-C (refer pages 14-18), it is noted that Appellant's

arguments are similar to the previous arguments with regard to claims 1-2 and 7-8 above.

Therefore, the advanced statements in paragraphs A-B with regard to claims 1-2 and 7-8 above

are incorporated herein.

D.   In response to Appellant's arguments with regard to the Examiner's rejection to claims 6

and 12 as stated in Sections B-C (refer pages 18-20), it is noted that Appellant's arguments fail to

comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define

a patentable invention without specifically pointing out how the language of the claims

patentably distinguishes them from the references. It is also noted that Appellant only relies on

the selected portions of the reference, argues, and concludes that the reference does not teach the

claimed invention. In this case, the Examiner disagrees with the Appellant's arguments as stated

in page 18, that "[S]hapiro also fails to teach or suggest a payload having a texture unit

comprising bit from a plurality of DC transform coefficients that forms a single bitplane"

(emphasis added) because Shapiro does teach these claimed features. For example, Shapiro

teaches a payload (see item 40 (data bits) of figure 1; and item 54 (bit stream) of figure 2. Note

that the term "bit stream" does include or refer to payload)) having a texture unit (see figures 3-4

and col. 4, lines 8-28. Note that each of "LL3" Note that each of "LL3", "LH3", "HL3", "HH3",

"LH2", "HL2", "HH2", "HL1", "LH1", and "HH1" refers to a texture unit. Each of "LL3",

"LH3", "HL3", "HH3", "LH2", "HL2", "HH2", "HL1", "LH1", and "HH1" is encoded by the

encoder 10. This is how the encoder achieves and how the image data is encoded. And these

encoded data are referred as a payload or data bits in the bitstream) comprising bits from a

plurality of DC coefficients that forma a single bitplane (see figure 3 and col. 4, lines 8-22. Note

that "LL3" refers DC coefficient in the third layer or level of subband decomposed image. Thus,

"LL2" and "LL1" are inherently included; otherwise, "LL3" could not be obtained or existed).

Appellant further argues similar features that were already discussed in the preceding

paragraphs. therefore, the advanced statements in the preceding paragraphs A-C above are

incorporated herein.

E.   In response to Appellant's arguments as stated in pages 20-22 with regard to claim 13

that "Shapiro also fails to teach where said payload has a size that varies in accordance with

coefficients from a subband or decomposition level of said hierarchical subband decomposed

image, the Examiner disagrees because Shapiro does teach such features. For example, in

column 3, lines Shapiro teach *data bits 40 representative of the encoded image*. The phrase

encoded image does include coefficients from a subband or decomposition level of said
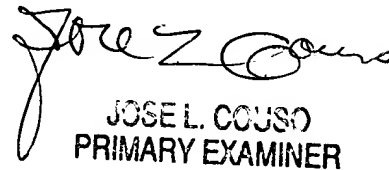
hierarchical subband decomposed image, and data bits does include a plurality of bits. Thus,

data bits have a various size according to the encoded data or coefficients a subband or

decomposition level of said hierarchical subband decomposed image. Therefore, Shapiro does

teach claimed invention.

For the above reasons, it is believed that the rejections should be sustained.
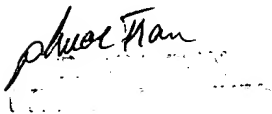
Respectfully submitted,

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August 9, 2001

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